

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ARVEN MALCOM, JR.,	)	
	)	
Petitioner,	)	4:04cv3243
	)	
vs.	)	MEMORANDUM AND ORDER
	)	
ROBERT HOUSTON,	)	
	)	
Respondent.	)	

This matter is before the court on filing no. 46, the respondent's Motion to Check Out State Court Records, and filing no. 49, the petitioner's Motion to Compel. As a preliminary matter, the respondent's Motion to Check Out State Court Records has already been granted and is therefore moot (filing no. 47).

In his Motion to Compel, the petitioner complains that the respondent did not serve a copy of all designated state-court records on him. However, the petitioner concedes that he has copies of many of the records. In fact, the petitioner identifies only one designated document not in his possession, i.e., "Case Action Summary in State Appellate Court Case Numbers A-97-798 and A-02-621." Therefore, within twenty (20) days of the date of this Memorandum and Order, the respondent shall serve a copy of that document on the petitioner. Filing no. 49 is granted to that extent.

SO ORDERED.

DATED this 24<sup>th</sup> day of March, 2006.

BY THE COURT:

s/ F. A. GOSSETT  
United States Magistrate Judge